

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

UNITED STATES OF AMERICA,	}	8:19-CR-00181-DCC-3
	}	
VERSUS	}	APRIL 11, 2019
	}	
JAMAL DEMARCUS LATIMER	}	GREENVILLE, SC
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BEFORE THE HONORABLE JACQUELYN D. AUSTIN  
UNITED STATES MAGISTRATE JUDGE

TRANSCRIPT OF PROCEEDINGS  
BOND/DETENTION HEARING

A P P E A R A N C E S:

FOR THE GOVERNMENT: LEESA WASHINGTON, AUSA  
                          U.S. ATTORNEY'S OFFICE  
                          55 BEATTIE PLACE  
                          GREENVILLE, SC 29601

FOR THE DEFENDANT: STEPHANIE A. RAINEY, ESQUIRE  
                          RAINEY AND BROWN  
                          145 NORTH CHURCH STREET  
                          SPARTANBURG, SC 29306

(ELECTRONIC SOUND RECORDING TRANSCRIPTION)

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                    BETH A. KRUPA, RPR, CRR  
                    UNITED STATES COURT REPORTER  
                    401 WEST EVANS STREET  
                    FLORENCE, SC 29501

*Beth A. Krupa, RPR, CRR*

1           ATTORNEY WASHINGTON: Your Honor, the government  
2           calls United States of America versus Jamal Demarcus  
3           Latimer, docket No. 8:19-181. Mr. Latimer is present in the  
4           courtroom with counsel Stephanie Rainey.

5           Your Honor, at this defendant's appearance on the  
6           26th of last month, the government moved for detention. The  
7           government is prepared to go forward with its motion this  
8           morning. I've talked with Ms. Rainey and she agrees or  
9           consents to the government just proffering the evidence that  
10          it would put on through a case agent normally and make the  
11          agent available for any questioning that the defendant might  
12          have.

13          So if that suits the Court, I'll briefly summarize  
14          the evidence against this particular defendant and why we  
15          believe that he should be detained.

16          THE COURT: Well, it was my understanding we were  
17          trying to work out allowing him some time to be released so  
18          that he can take care of some medical issues.

19          ATTORNEY WASHINGTON: Yes.

20          THE COURT: Well, I was wondering, do you want to  
21          do the detention hearing now or once he's had an opportunity  
22          to go --

23          ATTORNEY WASHINGTON: I think it's probably  
24          preferable to just go forward with the motion and then have  
25          Your Honor rule on it and if the Court decides to set a bond

1 so that he can attend to his medical issues --

2 THE COURT: Okay.

3 ATTORNEY WASHINGTON: -- then that issue can be  
4 dealt with also.

5 THE COURT: Okay. Ms. Rainey?

6 ATTORNEY RAINEY: No objection to proceeding that  
7 way.

8 THE COURT: Okay. I'll have the government  
9 proffer its evidence.

10 ATTORNEY WASHINGTON: Thank you, Your Honor.  
11 Judge, the government does believe this is a presumption  
12 case. The grand jury has found probable cause that this  
13 defendant committed at least three violations for which the  
14 maximum possible penalty is life.

15 He's charged in Count 1 of an indictment that  
16 charges possession with intent to distribute, conspiracy to  
17 possess with intent to distribute heroin, cocaine and  
18 Fentanyl. He's looking at ten to life on that charge, Your  
19 Honor.

20 He's also charged in Count 10 of the indictment,  
21 violation of Title 21 United States Code Section 841(a)(1),  
22 that substantive offense, that's a possession with intent to  
23 distribute Fentanyl. That carries ten to life.

24 And he's charged in Count 13 which is maintaining  
25 a stash house. The maximum possible penalty for that

1 offense, Judge, is 20 years. For those reasons, Your Honor,  
2 the government believes that the presumption and the Bail  
3 Reform Act does apply.

4 Just very briefly on the facts of this case, I  
5 know Your Honor has presided over previous hearings and has  
6 reviewed various search warrants and affidavits for search  
7 warrants in the case during the investigation of the case.

8 But Your Honor will recall on September 25th of  
9 last year, law enforcement received information that this  
10 defendant contacted a source, unbeknownst to him, a source  
11 working for DEA in Las Cruces, New Mexico looking to  
12 purchase a significant amount of heroin and cocaine. That  
13 is, 10 kilograms of heroin and 10 kilograms of cocaine.

14 Mr. Latimer specified white China heroin. White  
15 China heroin is a term used to refer to heroin of pure,  
16 close to pure quality and also heroin combined with a  
17 mixture of Fentanyl.

18 It -- the government learned later on, Your Honor,  
19 that -- and Mr. Latimer during the recorded meeting with the  
20 source was to use the heroin, the white China heroin to  
21 press pills, turn the powder substance into pills, which is  
22 inherently dangerous, Judge.

23 And in this particular case, the individuals  
24 charged in the indictment were using basically a home lab.  
25 The main defendant, Mr. McGowan, was the primary

1 manufacturer of the pills. He has no pharmacological  
2 experience, no knowledge of pharmacy -- of pressing of pills  
3 or any other pharmacological experience or knowledge.

4 Judge, it's particularly dangerous because someone  
5 in that position or somebody manufacturing pills under those  
6 circumstances, the dosages could vary from pill to pill and  
7 I think it's common knowledge these days that Fentanyl is  
8 reported to be 50 to a hundred times stronger than morphine.

9 And to a user, one who is intending to use  
10 Oxycodone or some other counterfeit prescription pill or one  
11 who is intending to use heroin would be -- not be on notice  
12 as to the dosage he or she might be ingesting if using a  
13 pill purchased by someone who was manufacturing in a home  
14 lab.

15 Nevertheless, Judge, this defendant proceeded with  
16 what the individual whom he thought was a Mexican source for  
17 cocaine and heroin. Mr. Latimer arranged to fly out to El  
18 Paso to meet with this source. It turns out the source was  
19 at that time working for DEA Lac Cruces.

20 During the recorded meeting, Mr. Latimer went into  
21 great detail about the operation here in South Carolina and  
22 how the powdered cocaine and Fentanyl was to be distributed  
23 and how they had distributed through night clubs in and  
24 around Greenwood.

25 After the meeting or at the end of the meeting,

1 Mr. Latimer had arranged the purchase of 10 kilograms of  
2 cocaine and heroin in exchange for \$760,000. That delivery  
3 was scheduled to occur in Greenville on October 23rd.

4 Law enforcement set up surveillance on  
5 October 23rd and indeed Mr. Latimer and some of his other  
6 codefendants gathered together, compiled the money, and  
7 arranged to meet still individuals whom they thought were  
8 cocaine and heroin sources to consummate the transaction  
9 that had been arranged in El Paso.

10 En route to the transaction or supposed  
11 transaction, law enforcement seized over a million dollars  
12 from Mr. Latimer and others charged in the indictment. Your  
13 Honor, in December, late December, December 28th of last  
14 year, Judge Coggins issued an order authorizing the  
15 interception of wire communications over a phone used by  
16 Mr. Latimer at the time.

17 During the interception period, agents learned of  
18 a seizure that occurred in -- actually prior to the order  
19 being in effect, agents learned of a seizure that occurred  
20 in North Carolina involving an individual named Deandre  
21 Miles and learned that Mr. Miles had actually identified  
22 Mr. Latimer as a source of the over 10,000 pills that law  
23 enforcement seized from him in the Charlotte, North Carolina  
24 area.

25 Your Honor, those pills that were seized from

1 Mr. Miles were, indeed provided by Mr. Latimer and tested  
2 positive for the presence of Fentanyl. In addition, Judge,  
3 the Fentanyl -- the Fentanyl pills that were seized from  
4 Mr. Miles in North Carolina provided by this defendant, the  
5 government believes were supplied by Detric McGowan,  
6 supplied and manufactured by Detric McGowan.

7 The monikers or labels on the pills that  
8 Mr. McGowan has admitted to manufacturing included the V and  
9 the 4812 on one side and were consistent with all other  
10 seizures of pills that the government believes were  
11 manufactured by Mr. McGowan.

12 Judge, the government believes that the Court is  
13 to consider both the strength of the evidence and other  
14 factors under the Bail Reform Act. The government believes  
15 that the case is strong against this particular defendant  
16 and the government is aware of no evidence that is  
17 sufficient to rebut the presumption under the Bail Reform  
18 Act and believes that detention is the appropriate -- or no  
19 bond is appropriate for the defendant. He's both a flight  
20 risk and danger to the community given the nature of the  
21 charges.

22 ATTORNEY RAINEY: Thank you, Your Honor, may it  
23 please the Court. As it relates to my motion, I did make a  
24 motion for bond concerning Mr. Latimer. There are a few  
25 factors to consider in the bond.

1 First of all, Mr. Latimer is a life-long resident  
2 of Greenwood County. His family is actually here in the  
3 Court. They've been present at every court hearing.  
4 They're very active and engaged and concerned about his  
5 well-being as well as resolving this case.

6 Secondly, Mr. Latimer has no criminal history. He  
7 has a few speeding tickets, traffic violations, but no  
8 serious criminal history and that is a factor that the Court  
9 must consider under the Bail Reform Act.

10 Thirdly, Mr. Latimer turned himself in. When he  
11 discovered that he was a wanted individual, I contacted  
12 Ms. Washington, Ms. Washington contacted the DEA agent,  
13 within an hour and a half Mr. Latimer had turned himself in.

14 Thirdly or fourthly, most importantly, Mr. Latimer  
15 has a series of medical conditions that require attention.  
16 On February 27th he was scheduled for a laparoscopic surgery  
17 with repair of his esophageal hernia.

18 His medical conditions are he has a hiatal hernia,  
19 he has hypertension, he has reflux gastritis, he has an  
20 ulcer of the stomach and intestines. Your Honor, we have  
21 taken the liberty to schedule appointments with Greenwood  
22 endo -- endo --

23 THE COURT: I know what you're trying to say.

24 ATTORNEY RAINEY: Endoscopy center, that  
25 appointment is scheduled for Wednesday the 17th at 1:45.

1 His doctor will be Dr. Gilchrist. We've also taken the  
2 liberty to schedule an appoint with the surgeon which will  
3 be on Tuesday the 16th at 4:00 p.m.

4 THE COURT: April?

5 ATTORNEY RAINEY: Yes, ma'am. Dr. Gilchrist is  
6 his primary care physician. He is a doctor that originally  
7 set him up for the surgical reference. The Greenville  
8 Hospital system will probably more than likely be performing  
9 the surgery.

10 Your Honor, in considering the factors under the  
11 Bail Reform Act, we would like to just say again Mr. Latimer  
12 has no criminal history. He does not represent a flight  
13 risk because he turned himself in. Nobody had to go out and  
14 look for him.

15 Additionally, one of the factors that the Court  
16 must consider is his physical condition, that factor plays  
17 majorly into our motion. He is not able to hold food down  
18 at the jail.

19 He's reported -- I actually have medical notes  
20 from the jail where he's reported to the nurses that he's  
21 having problems. They're trying to get him his medication,  
22 but his medication makes him sleepy.

23 He still -- once he eats, he's still vomiting  
24 blood and different sources, so he's desperately in need of  
25 some surgery. His doctor saw fit to schedule an appointment

1 even considering his condition at this point, where he's  
2 located.

3 So, Judge, we would ask for a secured bond. His  
4 family is here in the courtroom. They have certain  
5 properties. It's not highly valued property, but I think  
6 his grandmother is willing to put up her property at  
7 Reynolds Avenue and the value of that is 75,000.

8 So we would ask for a secured bond. I don't think  
9 that he's a flight risk. I'm certain that he will be in  
10 court every time. He doesn't represent a threat to anybody  
11 in this case, any defendant, potential witness or a  
12 potential juror.

13 So based on the foregoing, Your Honor, we ask just  
14 for a secured bond so that he can get the treatment that he  
15 needs and so that he can really get healthy. He's wanting  
16 to deal with the case, but he's just not in a condition  
17 where he's able to at this time. Thank you, Your Honor.

18 THE COURT: This is for the government and  
19 Ms. Rainey, my dilemma here is I do believe that the  
20 government has met their burden for detention, however, I  
21 also believe that Mr. Latimer should be given an opportunity  
22 to go out and get the surgery, especially since it was  
23 scheduled prior to his arrest.

24 Based on the nature of the charges and the  
25 allegations against him, the facts that the government has

1     laid out, I don't find he's a flight risk, but I do find  
2     that he's a danger to the community, so that being said, if  
3     you all can help me out here. I mean what I could do is  
4     just take the motion for detention under advisement, but in  
5     the meantime let him -- give him a bond to go out and get  
6     the treatment taken care of.

7             Then once he's had the surgery and had an  
8     opportunity to recover, come back and rule at that time. Or  
9     if the government is insistent that I rule now, I can go  
10    ahead and make a ruling now and maybe come back and revisit  
11    after he's had the surgery.

12            I'm -- I believe that he should have an  
13    opportunity to go get this, to get his health back in order.  
14    Well, if you all want to talk and tell me how you want to  
15    handle this.

16            (Brief pause.)

17            ATTORNEY WASHINGTON: I think -- Judge, just given  
18    for procedural purposes, I think it probably would be best  
19    that the Court just rule on the government's motion.

20            THE COURT: Okay.

21            ATTORNEY WASHINGTON: I understand that the Court  
22    is inclined to set a bond on this particular defendant, so  
23    we can move to that phase of this hearing, but that at least  
24    we've resolved the detention issue.

25            THE COURT: Right. Okay.

1 ATTORNEY RAINEY: We're in agreement.

2 THE COURT: Okay. So what I'm going to do for  
3 purposes of today is I'm going to set bond at \$75,000  
4 secured with standard conditions, but I am going to impose  
5 home detention with location monitoring which will be GPS  
6 monitoring.

7 I'm also going to require that Mr. Latimer keep  
8 probation up to date with the status of your medical  
9 treatment on a weekly basis. I understand from Ms. Rainey  
10 that you've got appointments scheduled for the 17th and the  
11 16th right now.

12 So whenever the schedule -- the surgery is  
13 scheduled, once the surgery has been completed, then we will  
14 reconvene and have a status conference and just kind of see  
15 where -- how he's doing on bond.

16 Like I said, my concern is with the amount of  
17 product, drugs, the nature of the drugs that were being  
18 moved, he's a danger to the community and that's a concern  
19 for me. But since I'm kind of being put in the position  
20 where I have to rule today, I'm going to set a bond so that  
21 he can get his health taken care of.

22 ATTORNEY WASHINGTON: Would Your Honor consider  
23 home confinement rather than home detention?

24 THE COURT: Home confinement would require that if  
25 he has to go to a doctor's appointment then they would have

1 to get -- you can help me with this -- probation would have  
2 to call me to get permission for him to go to a doctor's  
3 appointment. Whereas if I do home detention, then he would  
4 just have to go through probation and they can handle it and  
5 make the decision. Am I saying that accurately?

6 ATTORNEY WASHINGTON: My only concern is that his  
7 leaving whatever residence he's to live at or be confined in  
8 to serve this home detention period that he not leave for  
9 any other reason other than doctor's appointments.

10 That's why I thought that home confinement might  
11 be more suitable. I don't -- this defendant does not have a  
12 job and he's not in school.

13 THE COURT: The home detention does the same  
14 thing, right?

15 ATTORNEY WASHINGTON: As long as his only basis  
16 for leaving, Your Honor is only allowing him to leave the  
17 residence to attend to doctor's appointments and --

18 THE COURT: Talk to his lawyer. Mr. Latimer, I  
19 was going to call you Jamal. So I'm trying to give you an  
20 opportunity here today. I don't want you sitting in the  
21 jail getting worse since this was already a condition that  
22 you had before you were arrested.

23 You can stay seated, either one, so I'm trying to  
24 give you an opportunity to go get your health taken care of,  
25 but I'm going to need you to follow the conditions of bond

1 because I don't, you know, before you have your surgery for  
2 the government to come back in here and say he's not  
3 following the conditions, lock him back up. Do you  
4 understand what I'm saying?

5 Make sure you go over the conditions of bond with  
6 Ms. Rainey. If you have any questions, ask her. She can  
7 guide you on how to make sure you stay compliant, but home  
8 detention means that -- and I'm assuming that probation has  
9 already confirmed an address?

10 ATTORNEY RAINEY: His mom is here. She can  
11 confirm it with them.

12 THE COURT: Okay. I'll just have you confirm the  
13 address with probation before he leaves, but that just means  
14 that you are at that address unless you have a doctor's  
15 appointment that you need to go to, those doctor's  
16 appointments need to be confirmed with probation, so you  
17 don't leave your house unless you're going to a doctor's  
18 appointment.

19 If you have an appointment with your attorney,  
20 call probation, let them know that, you know, what time it  
21 is, where you need to go and when you're going to be back,  
22 okay. Am I missing anything?

23 ATTORNEY WASHINGTON: Is Your Honor going to allow  
24 Mr. Latimer to be released pending the bond being posted? I  
25 understand there might be some time needed to make sure that

1 the bond or the property that's being used to secure the  
2 bond is sufficient.

3 ATTORNEY RAINEY: We would move, Your Honor, that  
4 he be released pending the house being certified as  
5 appropriate for bond. Again, he is going to submit -- he  
6 will be on home detention, home confinement as of today  
7 before he's allowed to leave, so I don't --

8 THE COURT: Is it possible for them to get the  
9 records to the clerk's office today to show the value, that  
10 it doesn't have any liens on it? I would like for the bond  
11 to be in place before he's released.

12 ATTORNEY RAINEY: I have an appraisal report, but  
13 I will check about the liens and everything else.

14 THE COURT: Okay.

15 (Brief pause.)

16 THE COURT: Ms. Rainey, the clerk has informed me  
17 that they need records from the tax office.

18 ATTORNEY RAINEY: This is the tax office, would  
19 that be sufficient? Yes, ma'am. She's going to go get it  
20 today. They're going back to Greenwood, but they will make  
21 their way back and try to get here as soon as possible. Can  
22 they print it out online? Would that be sufficient?

23 (Brief pause.)

24 ATTORNEY RAINEY: They'll go to Greenwood.  
25 They'll get it done today as soon as possible.

1 THE COURT: Okay. Just as soon as they can get it  
2 done, but he will not be released until that is confirmed.

3 ATTORNEY RAINEY: Yes, ma'am.

4 THE COURT: Anything further?

5 ATTORNEY RAINEY: Nothing from the defendant, Your  
6 Honor.

7 THE COURT: Okay. Anything further from  
8 probation?

9 PROBATION OFFICER: No, Your Honor.

10 THE COURT: Okay. Thank you.

11 (Hearing was concluded.)

12 \*\*\*\*\*

13 CERTIFICATE OF REPORTER

14  
15 I certify that the foregoing is a correct transcript of  
16 the proceedings, to the best of my ability, taken from  
17 electronic sound recordings in the above-entitled matter.

18  
19 /S/ Beth A. Krupa May 1, 2019

20 Beth A. Krupa, RPR, CRR Date  
21 Official Court Reporter  
22 United States District Court  
23 District of South Carolina  
24  
25

*Beth A. Krupa, RPR, CRR*